

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

DOMENICO LOMUSCIO aka DOMINIC
LOMUSCIO aka DOMENIC LOMUSCIO,

Page 1 of 4



Order Filed on February 23, 2018
by Clerk U.S. Bankruptcy Court
District of New Jersey

Case No.: 13-12101

Judge: JKS

Hearing Date(s):

Chapter: 13

Recommended Local Form

☐ Followed☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: February 23, 2018


Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: Manor I Condominium Association, Inc.
Applicant's Counsel: Elizabeth K. Holdren, Esq.
Debtor's Counsel: Scott D. Sherman, Esq.
Property Involved ("Collateral"): 199A North Beverwyck Road, Apt. 9, Lake Hiawatha, NJ
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 26 months, from Dec. 1, 2015 to Jan. 1, 2018.
- ☒ The Debtor is overdue for 26 payments at \$ 268.00 per month. plus \$58.41 balance due.
- ☒ The Debtor is assessed for 41 late charges at \$ 30.00 per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.

Total Arrearages Due \$ 8,256.41.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- ☒ Beginning on March 1, 2018, regular monthly maintenance fees shall continue to be made in the amount of \$ 268.00. Regular monthly maintenance fees are subject to late charges if not received by the 15th of the month.
- ☒ Beginning on March 15, 2018, additional monthly cure payments shall be made in the amount of \$ 200.00. The additional \$200.00 cure payments shall be made on or before the 15th day of each month until the past due post-petition balance of \$8,256.41 is paid in full. "Time is of the essence" with respect to all payments.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

☒ Regular monthly payment: Manor I Condominium Association, Inc.
c/o Gervin Realty Management
1280 Route 46
Parsippany, NJ 07054

☒ Monthly cure payment: Manor I Condominium Association, Inc.
c/o Gervin Realty Management
1280 Route 46
Parsippany, NJ 07054

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above when due or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. In the event Debtor receives proceeds from his pending personal injury lawsuit prior to curing all of the arrears to the Association, Debtor shall tender the balance due and owing to the Association within fourteen (14) days of his receipt of the personal injury proceeds. Additionally, the parties agree that their resolution of this matter is subject to the terms of a separate letter agreement dated January 25, 2018, which agreement shall survive following the closing of the within bankruptcy case.